

Amendments to the Drawings

Attached is replacement drawing sheet for amended Figure 13.

REMARKS

This is in response to the Office Action dated May 2, 2008. To summarize, Claims 3 and 11-17 are cancelled herein, Claims 2, 4-8 and 10 are amended, and Claims 18-23 are added. Claim 18 is independent, and is based on cancelled Claims 12, 13 and 15. Claim 21 is a new independent claim directed to a method of stretching the chest muscles. Claims 2, 4, 6, 7, 9 and 10 remain withdrawn from consideration due to the prior restriction requirement. New Claims 18-20 are directed to the elected species, and Claim 18 is generic. While Claim 21 is a method claim, same is based on Claim 18 and requires the structure recited therein. As such, it is submitted that Claims 21-23 warrant examination with the elected species at this time.

Figure 13 of the drawings is amended herein pursuant to the Examiner's request. Withdrawal of the objection to Figure 13 is requested.

Claims 16 and 17 stand rejected under 35 USC 112, first paragraph. These claims are cancelled herein, thereby rendering the rejection thereagainst moot.

Claims 13-17, 3, 5 and 8 stand rejected under 35 USC 112, second paragraph. Claim 13 is cancelled herein. However, the language cited by the Examiner has been clarified in new independent Claims 18 and 21. Withdrawal of the instant rejection is requested.

Claims 13, 3, 5, 8 and 15 stand rejected under 35 USC 102 as anticipated by, or in the alternative, under 35 USC 103 as obvious over either of Danylieko (U.S. Patent No. 5 649 886) or Lee (U.S. Patent No. 4 861 024). Claim 13 is cancelled, and this rejection will therefore be addressed with respect to new independent Claim 18, and the claims which depend therefrom. It should be noted that Claim 18 includes language derived from cancelled Claims 14 and 15, based on the Examiner's comments on page 9 of the Office Action regarding

Claims 14 and 15. Specifically, the direction of the width dimension of each of the respective open areas recited in Claim 18 has been defined in a manner similar to cancelled Claim 14.

Claim 18 recites, inter alia, a back support section defining a first support surface disposed at the level of shoulder blade areas of a person, "said first support surface defining a pair of areas which open sidewardly outwardly on opposite sides of said back support section for receiving the respective shoulder blade areas of the person, each said area having an innermost edge defined by an outer longitudinal edge of said first support surface and located adjacent the central longitudinal axis, said width dimension of said first support surface being defined transversely between said innermost edges of said areas and being significantly less than said width dimension of said second support surface, said width dimension of said first support surface being sufficiently narrow so that said first support surface supports only a spinal column region of the person and to permit the respective shoulder blade areas of the person to move downwardly below said first support surface without meeting any resistance from said supporting device, said longitudinal dimension and said width dimension of said second support surface being of a dimension sufficient for fully supporting the person's thoracic region, said areas each having a maximum width dimension extending transversely between the respective said innermost edge to an outer extent in longitudinal alignment with an outer longitudinal edge of said second support surface, said width dimension of each said area being greater than said width dimension of said first support surface" (emphasis added).

Danylieko '886 discloses a workout bench 2 having an elongated spinal support 12 with arcuate lateral indentations or recesses 28. Danylieko does not, however, teach or suggest

that the width dimension of such recesses 28 is greater than a width dimension of the area of support 12 located between these recesses 28. In contrast, the width dimension of the support 12 between the recesses 28 is much greater than the width of the recesses 28.

Further, Danylieko '886 does not teach, suggest or render obvious that the width dimension of the support 12 adjacent the recesses 28 be sufficiently narrow so that the support 12 in this area supports only a spinal column region of the person and to permit the respective shoulder blade areas of the person to move downwardly below the support 12 without meeting any resistance from the support 12. In this regard, the width dimension of the area of support 12 between recesses 28 appears to be of a dimension much too large to only support a spinal column region.

In view of the above, Claim 18 is believed allowable over Danylieko '886. Claims 5, 8, 19 and 20 depend from what is believed to be an allowable Claim 18, are believed allowable therewith, and include additional features which are believed to further distinguish over this reference.

Claim 18 is also believed to distinguish over Lee '024 for similar reasons as presented above relative to Danylieko '886. Specifically, Lee discloses an exercise bench 10 having a head section platform 23 having a solid member 30, a flexible pad member 32 and a cover member 34. The solid member 30 has two cutouts 31 and 33 disposed adjacent the respective side edges of the head section platform 23. However, Lee '024 does not teach, suggest or render obvious these cutouts 31, 33 having a width dimension greater than a width dimension of the area of member 30 located between cutouts 31, 33. In contrast, the width dimension of the member 30 between the cutouts 31, 33 is much greater than the width of the cutouts.

Further, Lee '024 does not teach or suggest that the width dimension of the member 30 adjacent the cutouts 31, 33 be sufficiently narrow so that the member 30 in this area supports only a spinal column region of the person and to permit the respective shoulder blade areas of the person to move downwardly below the member 30 without meeting any resistance from the member 30. Instead, the width dimension of the area of support 30 between recesses 28 appears to be of a dimension too great to only support a spinal column region.

Claim 18 is therefore also believed allowable over Lee '024. Claims 5, 8, 19 and 20 depend from what is believed to be an allowable Claim 18, are believed allowable therewith, and include additional features which are believed to further distinguish over this reference.

With respect to the Danylieko '886 and Lee '024 references, it is submitted that these workout or exercise benches have spinal or back-supporting areas located between the respective recesses (28 in '886 and 31,33 in '024) which would need to be much wider than the width of the "first support surface" of Claim 18 which is "sufficiently narrow so that said first support surface supports only a spinal column region of the person to permit the respective shoulder blade areas of the person to move downwardly below said first support surface without meeting any resistance from said supporting device". Specifically, it is believed that the user of the Danylieko and Lee benches, during a workout, will move the shoulder blades more or less up and down and therefore generally parallel to a longitudinal middle axis of the user. That is, the arm movements of the user when bearing weights in the hands are essentially parallel to the body. In contrast, with the instant invention as recited in Claim 18, the arms are lowered in a wing-like or rotational movement, which causes movements of the shoulder blades perpendicular to the longitudinal middle axis of the user. Essentially, this

means that the shoulder blades move towards one another. If the spinal column region of the benches of Danylieko and Lee were as narrow as recited in Claim 18, it is believed that there would be little or no counter-support for the weights being lifted by the user. To work in this manner, this spinal column region should prevent the shoulder blades from moving towards one another. The recesses in Danylieko and Lee thus serve as limit areas for preventing movement of the shoulder blades towards one another, and instead are believed to simply allow movement of the shoulder blades parallel to the spinal column.

For the Examiner's reference, a series of photographs of the instant invention in use are submitted herewith.

Claims 13, 3, 5, 8, 11, 12 and 15 stand rejected under 35 USC 102 as anticipated by Falbo (U.S. Publication No. 2003/0056160). Independent Claims 11 and 13 are cancelled herein, and this rejection is therefore addressed relative to independent Claim 18, and the claims which depend therefrom. Again, it should be noted that Claim 18 includes language derived from cancelled Claims 14 and 15, based on the Examiner's comments on page 13 of the Office Action regarding Claims 14 and 15.

Referring to Figures 1 and 2 of Falbo '160, same discloses a patient support apparatus 10 defined by a longitudinal spine 52 which extends between a head support 28 and a foot support 30. Transversely-oriented support arms 54 and 56 locate adjacent the respective head and foot supports 28 and 30, and a central support arm 58 is located between arms 54 and 56. The orientation of the support arms relative to the spine result in openings 60, 62, 64 and 66 which may receive therein respective filler sections 16, 18, 20 and 22, which may be removably or pivotably coupled to the frame of the apparatus 10. Respective ones of the filler sections may

be left in place or removed, depending upon the desired position of the patient and the equipment being used.

It is submitted Falbo '160 does not teach, suggest or render obvious openings on opposite sides of the part of spine 52 adjacent head support 28 having a width dimension greater than a width dimension of the area of spine 52 located between such openings. In contrast, the width dimension of the spine 52 between these openings is believed much greater than the width of the openings themselves.

Further, Falbo '160 does not teach, suggest or render obvious that the width dimension of the spine 52 adjacent the openings be sufficiently narrow so that spine 52 in this area supports only a spinal column region of the person and to permit the respective shoulder blade areas of the person to move downwardly below the apparatus 10 without meeting any resistance therefrom. In this regard, the width dimension of spine 52 between the openings appears to be of a dimension too great to only support a spinal column region.

In view of the above, Claim 18 is believed allowable over Falbo '160. Claims 5, 8, 19 and 20 depend from what is believed to be an allowable Claim 18, are believed allowable therewith, and include additional features which are believed to further distinguish over Falbo '160.

Claims 14 and 16 stand rejected under 35 USC 103 as obvious over either Danylieko '886 or Lee '024 in view of Moriyama (U.S. Patent No. 3 606 461). Claims 14 and 16 are cancelled herein. This rejection will therefore be addressed with respect to Claim 20, which contains subject matter similar to that included in Claim 14. The Examiner states that neither Danylieko nor Lee explicitly disclose that their open areas have a greater width dimension than a length dimension thereof, and states that it would have been obvious to modify Danylieko or Lee's device in view of Moriyama.

Moriyama '461 is directed to modular furniture constructed from components based on the dimensions of a cube, a one-half cube or a one-quarter cube. The element 20 shown in Figures 5 and 9 of '461 includes a cut-out 30 therein, which when the element 20 is combined with other structural elements, such as base element 38 (Figure 9), defines the back and armrests of a tub-type chair. It is wholly unclear as to why one of ordinary skill in the art in the field of exercise equipment such as that taught in Danylieko and Lee would look to the field of modular furniture to solve a problem associated with such equipment. Accordingly, it is submitted that Moriyama and Danylieko/Lee are non-analogous references, and that the combination is improper. Claim 20 is therefore believed allowable over the above references.

Claims 13, 3, 5, 8 and 17 stand rejected under 35 USC 103 as obvious over either of Danylieko '886 or Lee '024 in view of O'Connor (U.S. Publication No. 2003/0220176). Claim 13 is cancelled, and this rejection will accordingly be addressed relative to Claim 18 and the claims which depend therefrom.

As mentioned above, Claim 18 is believed allowable over Danylieko '886 and Lee '024 since neither Danylieko nor Lee have open areas of a greater width dimension than a dimension of the support surface located between such open areas. O'Connor is directed to a narrow weight-training bench, and does not cure this deficiency in either of the above references. Claim 18 is therefore believed allowable over Danylieko or Lee in combination with O'Connor.

Claims 5, 8, 19 and 20 depend from what is believed to be an allowable Claim 18, are believed allowable therewith, and include additional features which further distinguish over the above references.

Claims 11 and 12 stand rejected as follows: under 35 USC 103 as obvious over Danylieko '886 or Lee '024 in view of any one of Falbo '160, Chandler (U.S. Patent No. 5 275 176) and

Castillo (U.S. Patent No. 4 614 338); and under 35 USC 103 as obvious over Danylieko '886 or Lee '024 in view of O'Connor '176, and any one of Falbo '160, Chandler '176 and Castillo '338. Claims 11 and 12 are cancelled herein, rendering the rejection thereagainst moot.

Newly added Claims 21-23 are directed to a method of stretching the chest muscles using a supporting device. Claim 21 requires the step of:

"providing a longitudinally elongate supporting device including a head support section and a back support section, said back support section defining a first support surface disposed at the level of shoulder blade areas of a person, and a second support surface, said first support surface being disposed between said head support section and said second support surface, said first and second support surfaces each having a width dimension defined transversely relative to a longitudinal central axis of said supporting device and said second support surface having a longitudinal dimension defined parallel to the central longitudinal axis of said supporting device, said first support surface defining a pair of areas which open sidewardly outwardly on opposite sides of said back support section for receiving the respective shoulder blade areas of the person, each said area having an innermost edge defined by an outer longitudinal edge of said first support surface and located adjacent the central longitudinal axis, said width dimension of said first support surface being defined transversely between said innermost edges of said areas and being significantly less than said width dimension of said second support surface, said width dimension of said first support surface being sufficiently narrow so that said first support surface supports only a spinal column region of the person and to permit the respective shoulder blade areas of the person to move downwardly below said first support surface without meeting any resistance from said supporting

device, said longitudinal dimension and said width dimension of said second support surface being of a dimension sufficient for fully supporting the person's thoracic region, said areas each having a maximum width dimension extending transversely between the respective said innermost edge to an outer extent in longitudinal alignment with an outer longitudinal edge of said second support surface, said width dimension of each said area being greater than said width dimension of said first support surface". Claim 21 is therefore believed allowable over the above references for similar reasons as presented above relative to Claim 18.

Further, Claim 21 recites the steps of:

"lying on said supporting device with the back positioned in direct supportive engagement with said supporting device;

positioning the head on said head support section;

positioning the back on said back support section with the spinal column region on said first support surface of said back support section, the thoracic region on said second support surface of said back support section, and the shoulder blade areas over the respective said areas such that the shoulder blade areas do not meet any resistance from said supporting device when the arms are extended sidewardly and then moved downwardly; and

performing a stretching exercise by extending the arms horizontally sidewardly with the palms facing upward, and then allowing the arms to move downwardly under their inherent weight so as to move the shoulder blade areas downwardly into the respective areas, thereby stretching the chest muscles".

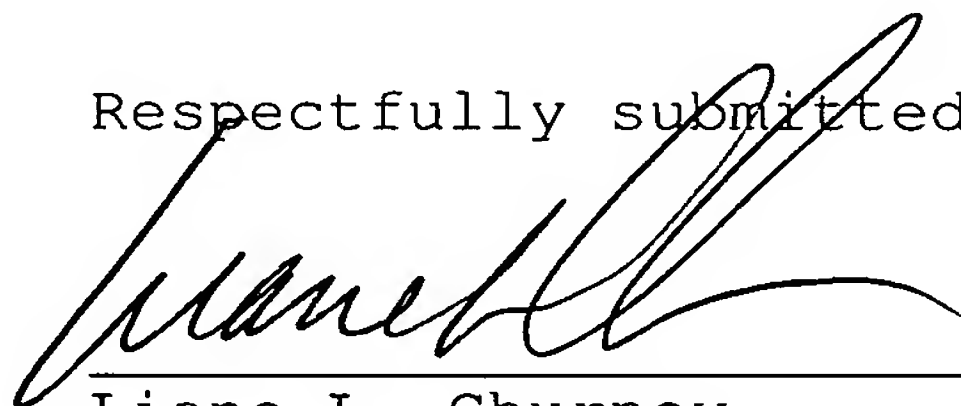
None of the prior art of record is believed to teach, suggest or render obvious the above steps. Accordingly, Claim 21 is believed allowable as presented.

Claims 22 and 23 depend from what is believed to be an allowable Claim 21 and are believed allowable therewith, and

also include features believed to further distinguish over the prior art of record.

An Information Disclosure Statement is submitted herewith in order to provide references cited in the corresponding Japanese application for the Examiner's consideration. None of the references submitted with the Information Disclosure Statement are believed more relevant than the above-discussed references, and the pending claims are believed allowable over these references.

Respectfully submitted,



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Encl: Amended Figure 13
Copies of photographs of Applicant's invention
Information Disclosure Statement
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